IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIFTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO: 672 of 2005

Between:

Sri Durga Association, Represented by its President Sri

Chenagani Ramulu, S/o.Yellaiah,
R/o.Gowda Colony, Chinaravuru, Tenali, Guntur District.

... PETITIONER

AND

1 The Government of Andhra Pradesh Rep. by its Secretary,

Revenue (Assignment) Secretariat Bldgs, Hyderabad.
2 The District Collector, Guntur.
3 The Revenue Divisional Officer, Tenali.
4 The Mandal Revenue Officer, Tenali.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, particularly one in the nature of a writ of mandamus, declaring the action on the part of the respondents as illegal and ultra vires to the provisions of Articles 14 and 21 of the Constitution of India besides directing the respondents to take appropriate action to allot the house sites to the members of the petitioner society in the Distribution Programme Scheduled on 26.1.2005 or any other date and pass such other order or orders.

Counsel for the Petitioner: MR.V.S.R.ANJANEYALU

Counsel for the Respondents: GP FOR REVENUE

The Court, at the admission stage, made the following:

ORDER:

This writ petition is filed seeking a Mandamus declaring the action of the respondents as illegal and ultra vires and directing the respondents to take appropriate action to allot house sites to the members of the petitioner society in the distribution programme scheduled on 26-01-2005.

2. Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue appearing on behalf of the respondents and with their consent, the writ petition is being disposed of at the admission stage.

3. The grievance of the petitioner association, consisting of 80 members belonging to different backward classes, is that being eligible persons for assignment of pattas, they made representations to the respondent authorities for grant of house site pattas. Thereafter, fourth respondent, after conducting enquiry, granted house plots in favour of the members of the petitioner association in S.Nos. 80, 200 and 214 of Chinaravuru Village, Tenali, Guntur District. It is stated that after pattas were granted and symbolic possession was delivered, members of the petitioner association wanted to construct houses in the said plots, but could not do so since the same was not habitable for construction. Due to inaction on the part of the respondents in leveling the said land, petitioner association filed W.P.No.7593 of 1997, which was disposed of by this Court directing the respondents 1 to 3 to consider and dispose of the representations submitted by the members of the association. But due to non-implementation of the orders of this Court, members of the petitioner association filed a Contempt Case, which was closed. Thereafter, petitioner filed a second writ petition being W.P.No.13577 of 2004 to direct the respondents to assign suitable land in favour of the members of the petitioner association, which was disposed of by this Court directing the respondents to consider the case of the petitioner association and to conduct socio-economic survey afresh. It is further stated that fourth respondent had issued an endorsement R.C.No.92/80 dated 10-12-2004 stating that socio-economic survey was under progress and would be completed by January 2005 and they have already secured an extent of Ac.8.80 cents of land

situated in S.No.11/2A and S.No.20 of Chinaravuru Village for grant of pattas. It is alleged that respondents, without granting house site pattas to the members of the petitioner association and some other eligible persons, are granting the same to ineligible persons, which gave rise to filing of the present writ petition.

4. As the matter of granting pattas to eligible persons is an administrative affair within the purview of the administrative authorities concerned, this Court except directing the respondent authorities to consider the case of the petitioner association for grant of house site pattas, cannot look into the administrative affairs of the state.

5. Having regard to the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition directing the respondent authorities that if any pattas are being granted to eligible persons, the case of the members of the petitioner association may also be considered and appropriate action may be taken in accordance with law.

The writ petition is accordingly disposed of at the admission stage.

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N. V. RAMANA, J

January 25, 2005

MRR

COPY TO:

1 The Secretary, Revenue (Assignment)Government of Andhra Pradesh

Secretariat Bldgs, Hyderabad.
2 The District Collector, Guntur.
3 The Revenue Divisional Officer, Tenali.
4 The Mandal Revenue Officer, Tenali.

5 Two C.C. s to the G.P. for Revenue, High Court Buildings,

Hyderabad (OUT)

6 Two C.D. Copies.